



Office of The Attorney General
State of Connecticut

**TESTIMONY OF
ATTORNEY GENERAL GEORGE JEPSEN
BEFORE THE JUDICIARY LAW COMMITTEE
MARCH 9, 2012**

I appreciate the opportunity to support SB 31, *An Act Establishing a Commission on Judicial Compensation*. This bill will establish a nine-member commission comprised of individuals appointed by all three branches of government. Each member will serve a four year term. Commencing on January 2, 2013 and every four years thereafter, the commission will examine the adequacy of compensation for judges, family support magistrates, senior judges, trial referees and family support referees. In so doing, the commission will be guided by several very specific factors, including the rate of inflation, levels of compensation in comparable fields in Connecticut and other states, compensation adjustments for other state employees, and the state's ability to fund any proposed increases in compensation. Based on that analysis, the commission will submit a report on its findings and make recommendations to the Governor, General Assembly and Chief Justice of the Supreme Court regarding changes in compensation for the following four fiscal years. Those recommendations shall have the force of law and take effect, unless modified or abrogated by statute or resolution prior to May first of the year in which the report was submitted.

The current proposal is similar to a measure adopted by the State of New York. It will make important changes to Connecticut's current system of judicial compensation. Under the current system, every two years an eleven-member compensation commission recommends to the General Assembly proposals for salary and benefits to be paid to judges and other constitutional officers. Those recommendations, however, must be adopted as legislation in order for them to become effective. The legislature has not acted on any recommendations concerning judicial compensation since 2004, when it passed a three-year plan that increased judges' salaries by 5.5% in 2005, 2006, and 2007.

I am not supporting the current proposal because I think judges' salaries or benefits are currently too high or too low. I will leave that analysis to those who have studied the issue and have first-hand knowledge of Connecticut's ability to recruit and retain a qualified and diverse group of judges. Rather, I am supporting this proposal because I believe it is essential to insulate the judicial branch from the kinds of political considerations that may influence decisions about judicial compensation. The judicial branch is a co-equal branch of government. Its efficient and fair administration of justice is fundamental to our democracy.

I recognize that it has long been a vexing problem to arrive at the best method for arriving at appropriate compensation levels for constitutional officers in all branches of

government. Treating the compensation of judges like that of legislators and executive branch officers, however, is in my view inappropriate. Judges are in many ways different from the other constitutional officers. Among the three branches, only the judicial branch is entirely reliant on the other two for salary increases. It lacks the kinds of tools that the other branches of government have at their disposal when it comes to dealing with the kinds of political considerations that go into determinations about compensation. The executive branch lacks the ability to appropriate, but has the bully pulpit and the veto power. The legislative branch, of course, has the power to pass laws and raise and appropriate money.

It is my understanding that the concerns I am raising here today are, in part, what motivated New York to adopt a system similar to that which is being proposed today. In New York, the legislature failed to raise judicial pay for more than a decade, making it last or close to last in the country in terms of judicial compensation. As a result, judges began leaving the bench and many qualified lawyers refused appointments. The lack of fair compensation in New York eventually reached crisis levels, resulting in a number of lawsuits. Those lawsuits eventually led to the creation of a commission, which recently acted to remedy the crisis in judicial pay.

While I am not suggesting that the current situation in Connecticut is comparable to what occurred in New York, it makes sense for Connecticut to learn from the experiences of other states and adopt safeguards against any such possibilities. As a result, I urge the committee to act favorably on the bill before it. Thank you for all of your efforts on this important matter.